



## DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 3.4.1	Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 15, plus 5 attachments
Section 4: Rules and Discipline	Revision Date: Feb. 5, 1998
Signature: /s/ by Director Rick Day 2/5/98	Effective Date: Jan. 4, 1996

### I. **POLICY:**

It is the intent of the Montana Department of Corrections to implement a system of offender discipline that serves to protect the public, staff and offenders. The policy is designed to assist in maintaining order in adult correctional facilities, and modify offender behavior through the application of rules, regulations and hearing procedures that incorporate applicable due process requirements. Disciplinary policies and procedures will ensure that offenders are provided fair, timely, and impartial disposition of charges alleging violations of rules and establish the sanctions for misconduct.

### II. **AUTHORITY:**

53-1-203, MCA. Powers and Duties of the Department of Corrections

### III. **DEFINITIONS:**

As used in this policy, the following definitions shall apply:

**Misconduct Infractions** are separated into three categories with separate sanctions for each category:

1. **Class III--Minor Infraction:** Misconduct violation which does not jeopardize the security and/or orderly operation of a housing unit, work place or the institution. These violations are considered less serious.
2. **Class II--Major Infraction:** Misconduct violation considered serious and poses a threat to the work place or housing unit.
3. **Class I--Severe Infraction:** Misconduct violation which jeopardizes the security and/or orderly operation of the institution. These violations may be a felony and may be prosecuted in a district court or any court of greater authority.

**Pre-Hearing Confinement:** Placement of an offender in temporary lockup.

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 2 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

**Detention:** Placement of an offender in a secure unit as a result of being found guilty of a severe infraction.

**Hearings Officer:** Staff member designated by the Department to conduct disciplinary hearings.

**Cell Confinement/Restriction:** Confinement to room/cell except for attendance at work as deemed necessary by the institution, school assignment, scheduled medical appointments, treatment appointments, or meals.

**Evidence:** Any item or information which is utilized in resolving an alleged infraction.

**Plea Agreement:** Procedure providing an offender an opportunity to plead guilty to an infraction, accept an offered sanction, and waive the right to a hearing on that incident.

**Housing Unit Disciplinary Team:** A two- or three-member team appointed by the Unit Manager or appropriate authority for the purpose of hearing minor and major infraction cases.

**Contraband:** Any item found in possession or control of an offender who is not authorized to possess such item, or items found in excess of levels permitted by policy.

**Altered Items:** Items being used for purposes other than its original intended use.

**Temporary Lockup:** Designated cells for the temporary confinement of offenders alleged to have violated policy and who pose a threat to themselves, others, or the security of the facility.

**Chain of Evidence:** Generally accepted practice for preserving evidence and documenting the record of who handled and controlled physical evidence.

#### IV. PROCEDURES:

##### A. Pre-Hearing Procedures

1. **Filing the Infraction Report:** Upon the reasonable belief of a staff member that a violation of rules has been committed, the staff member may file a Disciplinary Infraction Report. Infraction reports must be delivered, and if reasonably possible, hand-carried by the reporting staff member or designee to the Shift Commander. The Shift Commander/ Supervisor is responsible for reviewing, signing and forwarding Major Infraction reports to the Housing Unit Manager and

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 3 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

Severe Infraction reports to the Hearings Officer. Absent extraordinary circumstances, disciplinary infraction reports are to be completed within 24 hours of the infraction taking place. Infraction reports are to include the following information:

- (a) Specific rule(s) alleged to have been violated and a statement of the charges.
- (b) Names of witnesses to the incident.
- (c) Date, time, location of the alleged offense and offender.
- (d) Unusual behavior exhibited by the offender.
- (e) Facts surrounding the incident, sufficient to answer the questions of who, what, why, where, when and how.
- (f) Disposition of any evidence involved.
- (g) Any action taken, including temporary lockup, confiscation of property or contraband.
- (h) Signature of reporting staff member.
- (i) Supplementary reports by witnesses and/or involved staff.

In determining which rule the offender is alleged to have violated, the reporting officer must consider the severity of the offense.

A copy of the infraction report is to be provided to the offender within five working days excluding weekends and holidays. The five-day limit is waived if exceptional circumstances arise, in which case the offender must be provided with the report at the earliest possible time.

2. **Confiscated Property:** In the event an offender's property is confiscated due to a rule violation, an offender property/cell search receipt must be completed by the staff member performing the search. If possible, immediately following the seizure, the offender should sign and receive one copy of the receipt, and one copy of the receipt should be placed with the property/contraband. The officers are to note the condition of the property on the receipt signed by the offender. In the event the offender is not present when property is confiscated, two staff members should conduct the inventory and both are to sign the property/cell search receipt. When and if the property is returned to the offender, the offender will verify that the property has not been altered or destroyed, sign the receipt and be provided with a copy.

3. **Physical Evidence:**

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 4 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

- (a) Evidence cards must be filled out correctly and completely, and be attached to the physical evidence.
- (b) Physical evidence should be picked up daily by the Shift Supervisor and securely maintained in the respective department.
- (c) In order to maintain a clear chain of evidence, the time and date of when evidence passed from the control of one person to another is to be documented. Evidence lockers are to be maintained under the control of the Shift Supervisors.
- (d) When evidence is no longer needed, it should be disposed of in accordance with institutional policy.
- (e) Investigators are responsible for conducting periodic audits of evidence storage areas to ensure compliance with policy and appropriate evidentiary procedures.

#### **4. Pre-Hearing Confinement:**

- (a) An offender who is reasonably believed to be a security risk, in serious danger from others, or danger to self or others, may upon written statement of reasons be placed in temporary lockup prior to receiving a hearing. Temporary lockup must be approved by the Shift Commander, Unit Manager or higher authority at the time of placement. If the danger is imminent, the offender may be placed in temporary lockup, but the supervisor must immediately seek approval by a higher authority.
- (b) Temporary lockup must be reviewed by the Facility Administrator or designee within one working day after confinement, excluding weekends and holidays.
- (c) An offender may not be placed in temporary lockup based solely on information obtained from a single confidential informant.
- (d) An offender placed in temporary lockup is to be provided a disciplinary hearing within 72 hours, excluding weekends and holidays, unless additional investigation is needed. The 72 hours commences upon the offender's placement in temporary lockup.
- (e) Conditions of confinement in temporary lockup must be the same as those for offenders placed in the institution's most restricted level of custody. However, most privileges

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 5 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

afforded locked housing unit offenders will not be afforded to disciplinary detention/temporary lockup offenders. (See [policy DOC 3.5.1, Locked Housing Unit Operations.](#))

- (f) Placement in temporary lockup is not appropriate for any infraction other than a Class I - Severe Infraction, or a criminal act.
5. **Investigations**: When an alleged rule violation is reported for which an investigation is deemed necessary, the investigation is to begin within 24 hours, excluding holidays and weekends, of the time that the violation is reported. Absent of extenuating circumstances, the investigation is to be completed without reasonable delay. The investigator will normally be a Hearings Officer; however, the Hearings Officer may designate another staff member to conduct the investigations as long as the staff member is not the individual who reported the incident.
  6. **Offender Conduct Away From a Correctional Facility**: Any staff member responsible for transporting an offender may submit an infraction report when the offender's behavior violates institutional rules.

## **B. Disciplinary Hearing Procedures**

### **1. Minor and Major Infractions:**

#### **(a) General Provisions:**

- (1) Upon receiving the Disciplinary Infraction Report, the Unit Manager or a designee is responsible for reviewing the report for legibility, completeness, and correctness of charge. The Unit Manager may request that the reporting staff member make corrections, additions or deletions which will more accurately reflect the circumstances surrounding the alleged infraction.
- (2) The Housing Unit Disciplinary Team is responsible to review all minor and major category infraction reports and decide within ten working days of receipt of the report to take one of the following actions:
  - i. For Minor Infractions the Team may:

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 6 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

- c Take no further action, at which time the case may be dismissed and the report destroyed.
    - c Conduct a hearing as outlined in this policy and impose the appropriate sanctions.
  - ii. For Major Infractions the Team may:
    - c Take no further action, at which time the case may be dismissed and the report destroyed.
    - c Offer the offender a Plea Agreement.
    - c Conduct a disciplinary hearing and impose the appropriate sanctions.

In all cases, the offender should be notified of actions taken by the Housing Unit Disciplinary Team.

(b) Hearings for Minor and Major Infractions:

If the Housing Unit Disciplinary Team decides a disciplinary hearing should be conducted for a Minor or Major Infraction, the offender is to be given a Notice of Hearing stating the date and time of the hearing as well as a copy of the Infraction Report and attachments. In the event that the infraction was written by a member of the Housing Unit Disciplinary Team, that member will be replaced by another member of the staff. The offender is to be given the Notice and the Report at least 24 hours prior to the hearing. Hearings are to be conducted in the respective housing unit by the Housing Unit Disciplinary Team. The offender is to be provided with an opportunity to appear at the hearing and to provide documentary evidence to support his/her case. Following the hearing, the Team must complete a Disciplinary Hearing Decision Form stating the evidence that was relied upon, the reasons for the disciplinary action, and the sanctions imposed.

Disciplinary hearings are to be held within ten working days of the filing of the infraction report unless there are exceptional circumstances which result in postponing or delaying the completion of the hearing.

(c) Plea Agreements:

- (1) If an offender is charged with a major offense, the Housing Unit Disciplinary Team may offer the offender the opportunity to enter into a Plea Agreement. A Plea

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 7 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

Agreement may be entered only if the offender and the Housing Unit Disciplinary Team agree to resolve the disciplinary infraction by agreement.

- (2) A Plea Agreement allows the offender to plead guilty to agreed-upon charges and accept sanctions which will be within policy guidelines for the incident. The disciplinary history of the offender as well as the nature and seriousness of the incident may be taken into consideration. When signed by the offender and the Housing Unit Disciplinary Team, this agreement concludes the disciplinary process for the instant infractions and waives the offender's right to a hearing.
- (3) When the offender accepts the Plea Agreement, the unit manager or designee will impose the sanctions and distribute copies of the signed agreement and the infraction report, with attachments, to appropriate staff including a copy to the Hearings Officers.
- (4) If the offender refuses to negotiate a Plea Agreement for a Major Infraction, the case will be handled by the Unit Management Disciplinary Team through a disciplinary hearing.

## **2. Severe Infractions:**

- (a) Following receipt of a severe infraction report, a Notice of Hearing Form is to be completed by the Shift Supervisor. The offender must be provided a copy of the Infraction Report with attachments at least 24 hours prior to the hearing. An offender may waive the 24 hours notice.

If a determination is made that criminal charges may be filed in district court, the offender will be provided a Miranda warning. The offender should be clearly advised that the information and statements provided during the hearing may be used in a subsequent criminal prosecution.

- (b) The Shift Supervisor must attempt to obtain the offender's signature on the Notice of Hearing, acknowledging receipt of a copy. If the offender refuses to sign, the supervisor will note on the form that the offender refused to sign and have another employee witness and sign that a copy of the Notice and Report were given to the offender.

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 8 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

- (c) At the time the offender is served the Notice of Hearing, the offender must inform the Shift Supervisor or designee of his or her intent to provide a witness list and the names of the witnesses. Upon completion of the witness list, the offender must forward the list to the Hearings Officer. If the offender needs additional time to gather witnesses or prepare the case, a request may be made in writing, to the Hearings Officer, for a continuance of the hearing. If the facts warrant a continuance, the Hearings Officer will grant the request in writing. The hearing will be rescheduled as soon as possible and the offender will be notified of a new hearing date and time. When the offender is in temporary lockup, it is the responsibility of the Hearings Officer to collect the witness statements. The Hearings Officer may continue the hearing if the Officer believes additional time is required.

### **3. Conducting Hearings for Severe Infractions:**

- (a) If it is determined the offender will be charged in district court, a Miranda Warning will be read to the offender.
- (b) Hearings for severe infractions must be completed within ten working days of the date that the infraction report was filed unless exceptional circumstances warrant a postponement.
- (c) The offender must be present throughout the disciplinary hearing except during the period of deliberation, when confidential information is presented, or if the offender's behavior justifies removal by order of the hearing officer. The offender may waive presence at the hearing.
- (d) The Hearings Officer will ensure that the offender understands charges filed and take appropriate actions to ensure the fairness and orderliness of the hearing.
- (e) If a Hearings Officer determines an offender is incompetent or unable to prepare and present a defense, or if the offender requires an interpreter, the Hearings Officer must appoint the appropriate advisor or interpreter to assist in presenting the case.
- (f) When an offender fails or refuses to appear at a disciplinary hearing, or is removed due to disruptive behavior, the Hearings Officer may proceed with the hearing and make a decision based on the Disciplinary Infraction Report and any other available evidence. The



Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 9 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

Hearings Officer must document the failure to appear on the infraction report and have another member of the staff witness and sign the report.

- (g) The offender is to be provided an opportunity to present documented evidence, unless doing so would be unduly hazardous to the institutional safety of witnesses. Such reasons for denial will be stated in writing and provided to the offender.
- (h) Evidence, testimony, questions and examination is to be limited to facts relevant to the alleged infractions.
- (i) Testimony of offender or staff witnesses may be presented by written statements. The offender should be permitted to call witnesses in the offender=s behalf unless:
  - (1) permitting the witness to testify poses a threat to institutional safety, the safety of the witness, or the safety of third persons;
  - (2) the witness= testimony would be either redundant or immaterial;
  - (3) the witness= testimony concerns the general character of the offender; or
  - (4) the offender does not appear at the hearing, or the offender's actions are inappropriate during the hearing.
- (j) If a witness is not permitted to testify, the Hearings Officer must document the reason for excluding the witness from the hearing.
- (k) An offender may be found guilty of an infraction on the basis of verified information from a reliable source whose identity is not disclosed to the offender at the hearing. Such information may be presented to the Hearings Officer verbally or in writing. The details of any information from an anonymous source should be shared with the offender to the extent that this may be done without creating a substantial risk to the safety of the informant.
- (l) The Hearings Officer may make a finding of guilty if the officer is persuaded by the evidence that an infraction occurred.

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 10 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

- (m) The Hearings Officer may recess the hearing to collect additional information; however, the Hearings Officer's decision must be made solely on the evidence presented during the hearing.
- (n) The offender must receive, orally and in writing, a statement of the findings, evidence relied upon, sanctions and reasons for the sanctions.
- (o) The sanctions imposed may be suspended by the Hearings Officer for a specified period of time not to exceed 90 days. If the offender is convicted of any rule infraction in a severe category while on suspension, the suspension may be revoked and the prior sanctions will run consecutive to the new sanctions. A revoked suspension will not be viewed as one of the sanctions imposed for the new offense.
- (p) When the behavior of the offender warrants removal from the disciplinary hearing, the removal should be documented.
- (q) If an offender escapes from custody, is hospitalized, or is On Leave To Custody, the hearing may be postponed until the offender is returned to the correctional facility.
- (r) An offender may be found guilty of a lesser included offense at the discretion of the Hearings Officer.

### **C. Sanctions**

1. The Hearings Officer or Housing Unit Disciplinary Team is empowered to impose appropriate sanctions when a charge is substantiated. Time served in temporary lockup may be credited against any sanctions imposed. Sanctions available for use by the Housing Unit Disciplinary Team are limited to those for minor or major infractions. After a finding that a prohibited act occurred, the following dispositions, or combinations thereof, may be imposed:
  - (a) Severe Infractions:
    - C refer to federal or state authorities for prosecution
    - C confinement to a room or cell not to exceed 30 days

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 11 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

- C confinement in detention for up to 15 days for a single infraction and not to exceed a total of 30 consecutive days for multiple infractions
- C loss of visiting privileges
- C confiscate contraband and/or personal property
- C order restitution
- C recommend loss of earned good time
- C order loss of privileges including but not limited to loss of hobby, television and recreation
- C assign to a special work detail
- C recommend transfer to another facility or program
- C terminate a work or program assignment
- C recommend custody classification review.

(b) Major Infractions:

- C reprimand
- C confine to room or cell for up to ten days
- C confiscate contraband
- C order loss of privileges including but not limited to loss of hobby, visiting, television and recreation
- C order extra duty
- C recommend transfer to another facility or program
- C recommend custody classification review
- C assign to a special work detail
- C terminate a work or program assignment
- C order restitution.

(c) Minor Infractions:

- C reprimand
- C confinement to room or cell for up to five days
- C confiscate contraband
- C order loss of privileges
- C order extra duty
- C assign to a special work detail

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 12 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

- C order restitution
  - C summary action, with consent of the offender, unless the program structure allows summary action without consent.
- 2. The Hearings Officer and/or Housing Unit Disciplinary Team will impose the sanctions noted above in proportion to the seriousness of the infractions involved for the purpose of controlling behavior and punishing the offender. Offenses in the severe category are considered the most serious and may result in the use of disciplinary detention for periods up to the maximum available, in combination with other available penalties. Offenses of a lesser severity will generally result in sanctions less than the maximum, although combined sanctions are still available for the purposes of controlling behavior.
- 3. The Housing Unit Disciplinary Team or the Hearings Officer may not impose any of the following sanctions:
  - C any form of dietary restriction or the use of food or meals as punishment
  - C any form of corporal punishment
  - C any form of discipline imposed by one offender on another offender
  - C detention in excess of 30 consecutive days, unless there is a finding of fact on a new, subsequent violation of a facility rule or regulation
  - C deprivation of clothing or bedding; this does not apply to those offenders who engage in the practice of destroying such items. In such instances, the Facility Administrator will be notified, and the decision to deprive must be reviewed at intervals not to exceed 24 hours
  - C denial of necessary personal hygiene items; this does not apply to those offenders who engage in the practice of destroying such items. In such instances, the Facility Administrator will be notified and the decision to deprive must be reviewed at intervals not to exceed 24 hours
  - C the use of a "violent cell" or restraints as punishment; restraints may only be used for otherwise uncontrollable offenders in accordance with the Department policy on restraints
  - C sanction of a loss of correspondence or telephone privileges when the offense is unrelated to a violation of facility rules relating to that activity.

#### **D. Facility Administrator=s Review**

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 13 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

The Facility Administrator will review all hearings for major and severe disciplinary infractions, regardless of whether there has been an appeal. The Facility Administrator, upon his/her own motion, may reverse the decision, remand the decision back to the Unit Management Disciplinary Team or Hearings Officer, or modify the sanction imposed whenever such action is warranted based on the record. However, the Facility Administrator may not increase the sanction imposed by the Unit Management Disciplinary Team or the Hearings Officer. If a Facility Administrator or designee reverses or remands a decision, he or she must provide a justification for that action.

#### **E. Appeals**

1. Appeals shall be made to the Facility Administrator and are only provided to offenders who are found guilty of Severe Infractions in which the sanctions imposed include recommendation for a loss of accrued good time credits. The only sanction which is subject to modification is the recommendation for loss of accrued good time credits.
2. At the conclusion of a hearing in which a sanction has been imposed to recommend the loss of accrued good time credits, the Hearings Officer must advise the offender of his/her right to appeal the decision to the Facility Administrator.
  - (a) The appeal must be filed within fifteen days following the delivery of written hearing results to the offender. The appeal must be sent to the Facility Administrator; however, the sanction may be imposed prior to the Facility Administrator's decision concerning the appeal.
  - (b) The appeal must contain the offender's version of the facts and the argument outlining the specific aspects of the hearing that the offender is appealing.
  - (c) The Facility Administrator must act on the appeal within fifteen days, excluding holidays and weekends, of receipt of the appeal, and may take one of the following actions:
    - (1) Affirm: Agree with the actions of the Hearings Officer and affirm the recommendation for loss of good time.
    - (2) Dismiss: Disagree with the actions of the Hearings Officer and dismiss the sanction for the recommended loss of good time.

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 14 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

(3) Modify: Modify by reducing or suspending the sanction that relates to the recommendation for loss of good time.

(d) The Facility Administrator will consider the merit of appeals based upon the following factors:

- (1) whether there was evidence to support the charges;
- (2) whether there was substantial compliance with applicable disciplinary policies and procedures; and
- (3) whether the sanctions imposed were proportionate to the rule violation.

#### **F. Emergency Procedures**

In the event of an institutional disruption that requires emergency action, any or all portions of this policy may be temporarily suspended without notice. Any offender involved in the emergency may be detained without a hearing throughout the course of an officially declared emergency. On rare occasions an incident is so widespread as to have involved, in some general way, virtually all staff eligible to serve as Hearings Officers or Housing Unit Disciplinary Team members. Under these circumstances the Facility Administrator may authorize one or more committees to hold disciplinary hearings. No member should be selected to review a case in which they were personally involved in a substantial manner.

#### **G. Training**

The Facility Administrator will ensure that pre-service, and annual in-service training includes sessions on these procedures, including familiarity with the rules of the facility, rationale for the rules, and sanctions available.

#### **H. Offender Advisement**

All offenders housed in adult correctional facilities at the time that this policy is placed in effect will receive, and sign for, a copy of the institution's disciplinary policy or an offender disciplinary hand

Policy No.: DOC 3.4.1	Chapter: Facility/Program Operations	Page 15 of 15
Subject: <b>ADULT INSTITUTIONAL DISCIPLINE</b>		

book. All reception offenders will receive a copy of the disciplinary policy or an offender disciplinary hand book, and sign a form indicating receipt of this information during the orientation process.

**I. Effect Of Conviction/Dismissal**

Subsequent administrative action by the Housing Unit Management Team, or other authority, does not constitute additional punishment and should not be construed as such. If the conviction for an offense affects the offender's security level, the offender may be considered by the Housing Unit Management Team for proper reclassification. Dismissal or modification of a conviction does not deprive the Housing Unit Management Team of the opportunity to consider the offender's conduct for purposes other than discipline, including but not limited to, security classification decisions.

**J. Disclaimer**

This policy is not intended to create any liberty interests protected by the FOURTEENTH AMENDMENT of the UNITED STATES CONSTITUTION.

**V. CLOSING:**

Questions concerning this policy and procedure shall be directed to the Facility Administrator or the Director of the Department of Corrections.

**Attachments:**

- 1: Disciplinary Infraction Report/Notice of Hearing
- 2: Disciplinary Hearing Decision
- 3: Severe Category Appeal Notice
- 4: Inmate Property / Cell Search Receipt / Summary Action Sheet
- 5: Miranda Warning

**DEPARTMENT OF CORRECTIONS****MIRANDA WARNING**

Before we ask you any questions, be advised:

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to speak to an attorney and have your attorney present before we ask you any questions.
4. If you cannot afford an attorney, one will be appointed for you, at public expense, before this questioning continues.
5. If you decide to answer questions now, without an attorney present, you will have the right to stop answering at any time. You also have the right to stop answering at any time until you speak to an attorney.

Offender'S SIGNATURE & I.D. # \_\_\_\_\_

DATE

TIME

I, \_\_\_\_\_, acknowledge that I have been fully advised, and completely understand all of the preceding; and I hereby freely, fully and voluntarily waive each of those constitutional rights knowing that I may not be forced to do so; and I waive my rights because I wish to cooperate with the Department of Corrections in these proceedings.

Offender=S SIGNATURE & I.D. # \_\_\_\_\_

DATE

WITNESS

DATE